

Attorney Docket No. 509/41775
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kevin B. Root et al. Conf. No.: 5341
U.S. Serial No.: 10/694,983 Art Unit: 3683
Filed: October 29, 2003 Examiner: Siconolfi, Robert
For: INTEGRATED TRAIN ELECTRICAL AND PNEUMATIC BRAKES

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION WITH CERTIFICATE UNDER 37 CFR §3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The owner, New York Air Brake Corporation, certifies that it is the assignee of the entire right title and interest in the patent application identified above, the assignments of which were recorded at Reel 012500/Frame 0740 and Reel 011068/Frame 0068 by the U.S. Patent and Trademark Office and hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to 156 and 173, as presently shortened by any terminal disclaimer, of US Patent 6,334,654. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and ~~shortages in other fees~~ be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (509/41775).

Respectfully submitted,

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Enclosure